

Erik Belt

From: Erik Belt
Sent: Friday, January 13, 2006 3:59 PM
To: 'Abati, Richard'
Cc: Lisa Fleming; Lee Carl Bromberg; Rebecca L. Hanovice
Subject: RE: Nuance (ScanSoft) v. Voice Signal

Dear Rich:

Local Rule 37.1 contemplates seven days for responding to a request for a discovery conference. Obviously, this issue concerns discovery. I responded within an hour to your request this morning that we were unable today to address the issue but would be able to do so on Tuesday afternoon, after we have conferred with our client. Indeed, a conference on Tuesday is well within the seven day period. Thus, your attempt to force a conference this afternoon violates LR 37.1.

Your failure to meet and confer with us before filing the first motion, and now your attempt to hurry us into conferring with you before we are able to confer with our client, shows VST's lack of good faith and thus violation of LR 37.1 and 7.1

/Erik

Erik P. Belt
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From: Abati, Richard [mailto:RAbati@choate.com]
Sent: Friday, January 13, 2006 3:32 PM
To: Erik Belt
Cc: Lisa Fleming; Lee Carl Bromberg; Rebecca L. Hanovice
Subject: RE: Nuance (ScanSoft) v. Voice Signal

Erik:

Thank you for your message. Voice Signal is unable to delay the Rule 7.1 conference until Tuesday. As you know, the parties have conferred exhaustively about their proposed neutral expert procedures. Voice Signal now seeks to file a motion to modify the Court's adoption of certain aspects of ScanSoft/Nuance's proposal (including its definition of VST's "Source Code"). Unless you are able to identify which issues remain "open" for discussion, Voice Signal intends to file its motion this afternoon (with a Rule 7.1 certification). As you also know, after filing the original motion to modify, I made repeated attempts to discuss with you and your colleagues the contents thereof. Voice Signal has since withdrawn its original motion and requested a Rule 7.1 conference on the same

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motion. In light of the parties' prior conferences on the neutral expert procedures, it is difficult for me believe that there are, in fact, "open" issues. We cannot allow you to delay Voice Signal's submission for delay's sake. If, on the other hand, you intend to identify the so-called open issues, please do so by 5 o'clock. Thanks,

Rich.

-----Original Message-----

From: Erik Belt [mailto:Ebelt@bromsun.com]

Sent: Friday, January 13, 2006 12:01 PM

To: Abati, Richard

Cc: Lisa Fleming; Lee Carl Bromberg; Rebecca L. Hanovice

Subject: RE: Nuance (ScanSoft) v. Voice Signal

Dear Rich:

We will not be available this afternoon for a Rule 7.1 conference given the need to contact our client first. I suggest Tuesday at 4:00 pm (Monday being the holiday), which will give us time to confer on the issues with our client. Despite VST's failure to confer on this matter before filing the now withdrawn motion to modify the neutral expert procedure, we nonetheless remain open to discussing the issues presented in your motion.

/Erik

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From: Abati, Richard [mailto:RAbati@choate.com]

Sent: Friday, January 13, 2006 11:05 AM

To: Erik Belt

Cc: Lisa Fleming; Lee Carl Bromberg; Rebecca L. Hanovice

Subject: Nuance (ScanSoft) v. Voice Signal

Erik:

This follows-up on our conversation this morning. Voice Signal has just withdrawn its Motion for Modification of the Court's Neutral Expert Procedure and Request for Hearing. As you know, however, Voice Signal intends to re-file this motion if the parties are unable to narrow the issues raised therein. Please let me know as soon as possible what time today you (or one of your colleagues) would like to conduct a meet and confer conference. Thanks,

1/16/2006

Rich.

Richard C. Abati

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